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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE SEAGATE TECHNOLOGY LLC
LITIGATION

CONSOLIDATED ACTION

No. 3:16-cv-00523-JCS

FURTHER JOINT CASE MANAGEMENT
STATEMENT

DATE: January 18, 2019
TIME: 9:30 a.m.
DEPT: Hon. Joseph C. Spero
Courtroom G, 15th Floor

Complaint filed: May 9, 2016

1 The parties submit this further joint case management statement pursuant to the Standing
2 Order for Judges of the Northern District of California and Civil Local Rule 16-9. A case
3 management conference is scheduled in this matter on January 18, 2019.

4 **I. JOINT CASE MANAGEMENT STATEMENT**

5 **1. Jurisdiction and Service**

6 There are no outstanding issues regarding jurisdiction and service.

7 **2. Facts**

8 The parties have extensively discussed the facts in the prior motions for class certification
9 and do not repeat them here.

10 **3. Legal Issues**

11 The parties have extensively discussed the legal issues in the prior motion for class
12 certification and do not repeat them here.

13 **4. Motions**

14 Plaintiffs have filed a renewed motion for class certification for a narrower class focused on
15 common issues, or a class divided into subclasses and the issues related to class certification have
16 been fully briefed and the hearing is set for Friday, January 18, 2019 at 9:30 a.m.

17 Seagate's view is Plaintiffs' renewed motion is no more focused on "common issues" than
18 before. Seagate agrees that the issues have been fully briefed and will be addressed at the January 18
19 hearing.

20 **5. Amendment of Pleadings**

21 To the extent necessary, plaintiffs will seek leave of court to amend the complaint to comply
22 with any class certification order.

23 **6. Evidence Preservation**

24 Plaintiffs are unaware of any issues relating to evidence preservation at this time.

25 **7. Disclosures**

26 Both parties have complied with the initial disclosure requirements of Federal Rule of Civil
27 Procedure 26.

1 **8. Discovery**

2 Following this Court's ruling on class certification, plaintiffs anticipate that both parties may
3 engage in additional, limited discovery.

4 Pursuant to the Court's Standing Order on May 25, 2018, Seagate certified it had produced
5 all documents it agreed to produce in response to Plaintiffs' five sets of document requests and the
6 jointly-negotiated search terms, a process that took nearly two years and over a million dollars.
7 Seagate reserves the right to object to additional discovery, depending on the Court's ruling.

8 **9. Class Actions**

9 As disclosed above, the issues related to class certification have been fully briefed and the
10 hearing is set for Friday, January 18, 2019 at 9:30 a.m.

11 **10. Related Cases**

12 As previously reported by the parties, a putative class action containing similar allegations
13 about Seagate's 3TB hard drives is currently pending in San Francisco Superior Court, *Pozar v.*
14 *Seagate Technology LLC*, No. CGC-b (filed September 4, 2015) (alleging California class). Judge
15 Karnow certified a California class under UCL and CLRA based on omissions. To the extent
16 feasible, to avoid duplication and promote efficiency, the parties here have agreed to informally
17 coordinate discovery with the *Pozar* matter. Seagate's motion for summary judgment in the state
18 court matter is pending and set for hearing on January 31, 2019.

19 **11. Relief**

20 Plaintiffs seek damages based on Seagate's failure to disclose the unreliability of its drives.
21 The exact amount of damages will be addressed in plaintiffs' Rule 26 expert reports.

22 **12. Settlement and ADR**

23 Plaintiffs remain open to resolving this dispute by settlement.

24 Seagate believes settlement may be possible depending on the upcoming rulings on Plaintiffs'
25 renewed motion for class certification in this case and Seagate's motion for summary judgment in
26 the state court case.

13. Consent to Magistrate Judge for All Purposes

The parties have consented to a Magistrate Judge for all purposes.

14. Other References

The parties do not believe the case is suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.

15. Narrowing of Issues

The parties are not aware of issues that can be narrowed by agreement or motion at this time.

16. Expedited Trial Procedure

The parties do not believe that this case can be handled under the Expedited Trial Procedure of General Order 64.

17. Scheduling

The parties submitted a case management statement with a proposed schedule for the renewed class certification motion. Following on this Court's ruling on class certification, the parties anticipate requesting a case management conference at which further deadlines, including summary judgment, the pretrial conference and trial will be set.

18. Trial

The case will be tried to jury. Plaintiffs believe it would be premature to propose the expected length of the trial until the outcome of class certification is known.

19. Disclosure of Non-Party Interested Entities or Persons

Plaintiffs are unaware of any non-parties (other than the absent class members) who have either (i) a financial interest in the subject matter in controversy or in a party to the proceeding; or (ii) any other kind of interest that could be substantially affected by the outcome of the proceeding.

20. Professional Conduct

The parties have reviewed the Guidelines for Professional Conduct for the Northern District of California.

1 **21. Other**

2 The parties are unaware of any other matters that may facilitate the just, speedy and
3 inexpensive disposition of this matter.

4 DATED: January 11, 2019

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16 DATED: January 11, 2019

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ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

I, Shana E. Scarlett, am the ECF User whose identification and password are being used to file this Further Joint Case Management Statement. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that all signatories have concurred in this filing.

s/ Shana E. Scarlett
SHANA E. SCARLETT